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April 11, 2014

Honorable Richard J. Sullivan, U.S.D.J.
Southern District of New York
40 Foley Square, Room 2104
New York, New York 10007

Re: United States v. Vilar 05 Cr. 621 (RJS)
SEC v. Amerindo, 05 cv 5231 (RJS)

Dear Judge Sullivan:

I submit a transcript of the proceeding in the New York State Supreme Court on the motion to vacate the judgment obtained by the Mayers in State court, argued April 1, 2014. *Mayer v. Vilar*, Index No. 603234/2004. Justice Kornreich stated she would be calling Your Honor about these proceedings and asked the parties to order the record and file it (Tr. 65).

Relevant to the ongoing proceedings in the criminal and civil cases are Justice Kornreich's concerns that there had not (yet) been any determination of total assets *or* claims, that the receiver had not used the Amerindo books and records, and that there were no answers to questions that prompted Justice Kornreich to state, about the motion to vacate: "I may well have made a mistake" (Tr.18) and that she had not intended that the Mayers get a priority. (When she learned there no answers to questions about assets and claims, Justice Kornreich also stated: "...[I]f that was a receiver in front of me, he would get not a penny for his fees and there would be another receiver on the case." (Tr.54).)

Respectfully,
/s/
Vivian Shevitz